

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Ronald J. Allison,

Plaintiff,

v.

John J. Piro, et al.,

Defendants.

Case No. 2:21-cv-01399-JAD-DJA

Report and Recommendation

Plaintiff submitted a complaint on July 23, 2021. (ECF No. 1). On August 9, 2021, the Court ordered the Plaintiff to file an application to proceed *in forma pauperis* or pay the filing fee by August 30, 2021. (ECF No. 3). Because Plaintiff has done neither, the Court recommends that his claims be dismissed.

Under 28 U.S.C. § 1914(a), a filing fee of \$350 is required to commence a civil action in federal district court. Any person who is unable to prepay the fees in a civil case may apply to the court to proceed *in forma pauperis*. LSR 1-1; *see* 28 U.S.C. § 1915(a). The application must be made on the form provided by the court and must include a financial affidavit disclosing the applicant's income, assets, expenses, and liabilities. LSR 1-1; *see* 28 U.S.C. § 1915(a).

Here, Plaintiff has neither paid the filing fee nor applied to proceed *in forma pauperis*. Plaintiff has failed to correct this omission within the time allotted despite notice that failure to do so may result in dismissal of this action. The Court thus recommends that Plaintiff's complaint be dismissed with prejudice.

RECOMMENDATION

IT IS THEREFORE RECOMMENDED that Plaintiff's complaint (ECF No. 1) be **dismissed with prejudice** because Plaintiff failed to file an application to proceed *in forma pauperis* or pay the required filing fee by August 30, 2021.

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case under 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation may file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).

DATED: October 13, 2021



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE